

February 21, 2017

7-43. Noncompliance Penalty: Granting of Exemptions (1200 TN 350 7-43)

1. **AUTHORITY.** Pursuant to section 120(a)(2)(B) of the Clean Air Act, to grant any exemptions from noncompliance penalties mandated by section 120 of the CAA.
2. **TO WHOM DELEGATED.** Director, Air Protection Division.
3. **LIMITATIONS.**
 - a. Prior to granting an exemption for inability to comply for reasons entirely beyond the owner's control, the delegatee must consult with the AA for OECA.
 - b. The AA for OECA may grant an exemption in cases that the AA initiated and must notify any affected RA prior to exercising this authority.
 - c. The AA for OECA may waive, in writing, the consultation requirement.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the associate division director level, and no further. The authority may not be redelegated without formal amendment.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** Section 120(a)(2)(B) of CAA.
6. **SUPERSESION.** Delegations Manual, CAA, Regional Delegation 7-43.
Noncompliance Penalty: Granting of Exemptions, 1200 TN RIII-114 (October 3, 1996).

Date 3/17/2017


Cecil Rodrigues
Acting Regional Administrator